IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11365 of 2005

Between:

Smt. Vulli Radha Devi W/o. V.L. Prasad Gupta,
D.No. 16-1-89, M.G. Road, Vlzianagaram.

..... PETITIONER

AND

1 The Commissioner, Vizianagaram Municipality, Vizianagaram.
2 The Town Planning Officer, Vizianagaram Muncipality,
3 The District Collector, Vizianagaram.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent authorities in demolishing the petitioner's building bearing door No.
16-1-89, situated at M.G. Road, Vizianagaram Municipality, Vizianagaram District, without payment of any compensation or land acquisitions proceedings or without any notice to the petitioners for expansion of the M.G. Road as arbitrary, illegal, null and void contrary to the Article 300 (A) of the Constitution of India and against the norms of public policy and principles of natural justice and issue conseaquential direction directing the respondent authorities to follow the due process of law after deciding the encroachments on either side of the expansion on the basis of 1926 master plan under the Land Acquisition Act or any other such Act as applicable and to pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondent No.: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following:

ORDER:

This writ petition is filed seeking declaration of the action of the respondents in demolishing the petitioner's building bearing door No.16-1-89 situated at M.G.Road, Vizianagaram Municipality, Vizianagaram District without paying any compensation as arbitrary and illegal.

The petitioner submits that he is the owner of the building bearing door No.16-1-89 situated at M.G.Road, Vizianagaram. For the purpose of widening the road, without acquiring the land of the petitioner and without following the due procedure of law, the respondents are threatening to dispossess the petitioner and takeaway his land.

The respondents cannot deprive the right of the petitioner in respect of the immovable property without paying compensation and without following due process of law.

Accordingly, the respondents are directed not to dispossess the petitioner from his land or demolish the property of the petitioner without following due procedure prescribed of law, either by acquiring the land of the petitioner or by taking the land of the petitioner by paying appropriate compensation.

The writ petition is accordingly disposed of. No order as to costs.

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V.ESWARAIAH, J

Dated 17th May 2005.

YCR/ES

To

1 The Commissioner, Vizianagaram Municipality, Vizianagaram.
2 The Town Planning Officer, Vizianagaram Muncipality,
3 The District Collector, Vizianagaram.

4. 2 CCs to G.P. for Municipal Administration and Urban Development, High court Buildings, Hyderabad. (OUT)

5. 2 C.D. copies.